

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Thomas Tancredo and Floyd Trujillo
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: April 3, 2018
SUBJECT: Proposed initiative measure 2017-2018 #169, concerning compliance with federal immigration law

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be to:

1. Define what a "sanctuary jurisdiction" is in Colorado; and
2. Require certain local jurisdictions to file a compliance report indicating that it is not a sanctuary jurisdiction.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (8) of the Colorado constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado". To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
2. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
3. What will be the effective date of the proposed initiative?
4. Proposed section 24-33.5-2103 (5) requires the governing body of a jurisdiction with a population of at least ten thousand people to file a compliance report. Proposed section 24-33.5-2102 (2) defines "jurisdiction" to include "school district, special district, or any other district; agency; instrumentality; law enforcement agency; and state institution of higher education". How do you calculate the population requirement for the above-referenced "jurisdictions"?
5. Under section 1-40-105.5, the director of research of the legislative council is required to prepare an initial fiscal impact statement, which includes an abstract that appears on petition sections, for each initiative that is submitted to the Title Board. In preparing the statement, the director is required to consider any fiscal impact estimate prepared by the proponents.
 - a. Will you submit the initiative to the Title Board? If so, when do you intend to do so?
 - b. Are you submitting a fiscal impact estimate today? If not, do you plan to submit an estimate in the future, and if so, when do you intend to do so?
 - c. To ensure that there is time for consideration, you are strongly encouraged to submit your estimate, if any, at least 12 days before the measure is scheduled for a Title Board hearing. The estimate should be submitted to the legislative council staff at BallotImpactEstimates.ga@state.co.us.

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below:

1. Before the short title of the proposed initiative, number the section with a section number (e.g., **SECTION 1.**, **SECTION 2.**).
2. Before the amending clause of the proposed initiative, number the section with a section number (e.g., **SECTION 1.**, **SECTION 2.**).
3. Throughout the proposed initiative, the font seems to switch between ALL CAPS and SMALL CAPS or change font size. The measure should be in SMALL CAPS, except for internal references, and should be the same font size throughout.
4. In proposed section 24-33.5-2101 (1)(d), there does not appear to be a space between "AS" and "PARTIAL" or a space between "IN" and "COSTS", and there is an unneeded hard return between "OVER" and "\$11,000,000".
5. In proposed section 24-33.5-2101 (2)(h), "US" should be "U.S.".
6. In proposed section 24-33.5-2103 (3), "originating" is spelled incorrectly.
7. There does not appear to be a space between the period at the end of the headnote in proposed section 24-33.5-2102 and the first word of the substantive text.
8. Each subsection in the proposed section 24-33.5-2103 has its own headnote. There does not appear to be a space between the period at the end of the headnote and the first word of the substantive text.